THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10851 of 2007

04.6.2007

Between:

Bhonagiri Radhakrishna, S/o.Venkataramana

… Petitioner

AND

The Gram Panchayat, Mahabubabad, Warangal District, represented by its

Panchayat Secretary

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10851 of 2007

ORDER:

Petitioner herein allegedly purchased 1000 Sq.yards of land in survey No.307/2 situated at Mahabubabad village in Warangal District from Bhuvanagiri Radhakrishna. He approached the Gram Panchayat for building permission for raising a residential building. As no orders were passed either accepting or rejecting the application for building permission, the petitioners taking advantage of the provision under Section 127(3) of A.P.Panchayat Raj Act, 1994 (the Act, for brevity) proceeded with the construction and procured construction material. When they were contemplated into construction, first respondent along with the staff prevented the petitioner from proceeding with the construction and, therefore, the present writ petition is filed seeking a direction to respondents not to interfere with the construction.

The matter was filed in the vacation court and the same was adjourned on 24.5.2007. Today, when the matter is called, learned Counsel for the petitioner is absent. Learned Standing Counsel for the Gram Panchayat does not dispute the that under Sections 127(3) and 127(11) of the Act read with Rule 26 of A.P. Panchayat Raj Land Development (Layout and Building) Rules, 2002 (the Rules, for brevity), if the executive authority of Gram Panchayat fails to communicate sanction or refusal of permission within fifteen days in the case of residential building, the executive authority shall be deemed to have permitted to construct said building. The petitioner has not filed any evidence of submission of application for building permission. Therefore, the first respondent has to make verification on this aspect. If the petitioner has made application for building permission along with plan and necessary fee, the law contemplates that the permission is deemed to have been granted. Even in such an event, the person who applied cannot take up construction in contravention of building plan submitted to the Gram Panchayat. If any

deviation is found, it is always permissible to the Gram Panchayat to take action under Rule 33 of the Rules.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

June 04, 2007.
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